

**EXHIBIT A TO THE JUNE 26, 2008
DECLARATION OF GREGORY I. RASIN, ESQ.**

ORIGINAL

1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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JANNIE PILGRIM, GIOVANNA HENSON,
JESAN SPENCER and BRENDA CURTIS,

Plaintiffs, '07 CIV

-against-

6618

THE MCGRAW-HILL COMPANIES, INC.,

Defendant.

-----x

January 9, 2008

9:38 a.m.

Deposition of GIOVANNA HENSON, held
at the offices of Proskauer Rose LLP, 1585
Broadway, New York, New York, pursuant to
Notice, before Mildred Cassese, a Registered
Professional Reporter and Notary Public of
the State of New York.

Computer Reporting Incorporated

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1 **G. Henson**

2 Ms. Pilgrim about this litigation or today's
3 deposition outside the presence of your attorneys.

4 A. No.

5 Q. Have you had any conversation with
6 Ms. Pilgrim in which your attorneys were present
7 regarding either this litigation or today's
8 deposition?

9 A. No.

10 Q. Other than your attorneys, who else
11 have you discussed today's deposition with?

12 A. No one.

13 Q. You said that you met with your
14 attorneys -- with your lawyer for two hours and he
15 told you what to expect at today's deposition.

16 When did that meeting take place?

17 A. Monday.

18 Q. Where did that meeting take place?

19 A. At his law office.

20 Q. What is the highest level of formal
21 education that you've completed?

22 A. Master's.

23 Q. When did you get your Master's?

24 A. 2001.

25 Q. Where did you get your Master's from?

1 G. Henson

2 or anything like that. I don't even think there
3 was websites at that time.

4 Q. So you had called the hot line?

5 A. I called the hotline.

6 Q. You learned about the specific
7 position? .

8 A. Yes.

9 Q. At the time that you accepted the
10 offer with the McGraw-Hill Company, did you have
11 any other outstanding employment offers?

12 A. No.

13 MS. BLOOM: Mark that.

18 Q. I'm going to hand to you and
19 simultaneously provide a copy to your counsel of a
20 document been marked as Henson Exhibit 3 and ask
21 you if that is a copy of the offer letter to which
22 you referred a few minutes ago?

23 A. Yes.

Q. In Exhibit No. 3 the letter indicates
that your compensation was \$2,166.67 per month,

1 G. Henson

2 which annualized out to \$26,000.

3 Do you recall that being your starting
4 salary at the McGraw-Hill Company?

5 A. Yes.

6 Q. Do you know what your grade level was
7 when you began employment with the McGraw-Hill
8 Company?

9 A. I think it was level 9 or 11.

10 Q. You accepted the offer from the
11 McGraw-Hill Company; is that right?

12 A. I did accept the offer.

13 Q. Did you negotiate anything about the
14 offer before accepting it?

15 A. No, I did not.

16 Q. This was your first full-time job out
17 of college, correct?

18 A. Yes.

19 Q. You worked for the McGraw-Hill Company
20 until August of 2005; is that right?

21 A Yes -

22 Q. When you left the McGraw-Hill Company
23 did you have another job?

24 A Yes

25 Q Where was that?

1 G. Henson

2 A. The New York City Department of
3 Education.

4 Q. What job did you have there?

5 A. I was a special assistant to the
6 deputy director of medical leaves and benefits.

7 Q. What was your starting compensation
8 there?

9 A. 68,000.

10 Q. \$68,000 a year?

11 A. Yes.

12 Q. Was there any other aspect to your
13 compensation other than a salary when you started
14 at the special assistant?

15 A. That was the salary, and of course the
16 benefits that they give you as far as health and
17 other benefits, reimbursement for gym, and that
18 was -- and retirement plan, and that was about it.

19 Q. When you say health, would that have
20 also included dental?

21 A. Yes, dental.

22 Q. How about vision?

23 A. Vision.

24 Q. Anything else?

25 A. Primary care physician, gynecologist.

1 *G. Henson*

2 Q. When you first got the job at the New
3 York City Department of Education, did you have to
4 contribute anything to your health benefits?

5 A. Yes.

6 Q. How much?

7 A. I believe it's \$35 every pay period.

8 Q. You say you believe it's \$35 every pay
9 period. Are you still employed by the New York
10 City Department of Education?

11 A. Yes, I am.

12 Q. And you still have the same health
13 benefits?

14 A. Yes.

15 Q. And you believe that you've
16 contributed at the same rate since you began your
17 employment there?

18 A. Yes.

19 Q. Have you held any other positions
20 there other than the special assistant job?

21 A. Yes. Right now -- well, I received a
22 lateral promotion to director of medical, which I
23 received the same compensation, and then I
24 interviewed for the human resources partner
25 position, which is an HR manager position, and

1 G. Henson

2 that's where I'm at right now, and I hold that
3 position right now.

4 Q. When did you receive the lateral
5 position of director of medical, and I didn't
6 catch the last part of it?

7 A. Medical leaves and benefits.

8 Well, I started in medical leaves and
9 benefits in August, so August -- in November I
10 received the lateral position -- I was in the job
11 for about five or six months.

12 Q. So you started at the New York City
13 Department of Education in August of 2005?

14 A. Yes.

15 Q. And then you moved to the lateral
16 position in November of 2005?

17 A. Yes.

18 Q. And that was at the same \$68,000 a
19 year?

20 A. Yes.

21 Q. When did you become human re -- when
22 did you get the human resource position?

23 A In March of 2006.

24 Q. And from August of 2005 until March of
25 2006 were there any changes in your compensation?

1 **G. Henson**

2 A. Yes.

3 Q. What were those changes?

4 A. I started at 88,000 for the human
5 resources manager position.

6 Q. So you got a \$20,000 raise?

7 A. Yes.

8 Q. Were there any interim changes to your
9 compensation between the \$68,000 and the \$88,000?

10 A. When you say interim changes, what do
11 you mean?

12 Q. Did you go directly from 68,000 to
13 88,000?

14 A. Yes, I did.

15 Q. And what is your current compensation?

16 A. 88,000.

17 Q. Are you scheduled for any kind of a
18 review or a raise?

19 A. No.

20 Q. Do they have any kind of a program of
21 annual raises or annual reviews -- strike that --
22 any kind of annual raises?

23 A. I think we did get a raise, but it was
24 a small raise.

25 Q. So you think that you're making more

1 **G. Henson**

2 than 88,000?

3 A. No. I am making 88,000, but I think
4 we did get a small raise in between -- I don't --
5 I didn't start at 88. I think I started at 86.

6 Q. When did you go to 88?

7 A. I would say seven or eight months ago.

8 Q. And your benefits as you initially
9 described them from August of 2005 have remained
10 the same?

11 A. They are the same.

12 Q. When you left the McGraw-Hill Company
13 in August of 2005, what was your compensation?

14 A. I believe it was \$45,000.

15 Q. And were you receiving any benefits in
16 connection with that?

17 A. Yes. Health benefits, vision,
18 employee discount.

19 Q. Anything else?

20 A. I'm thinking.

21 That was pretty much it.

22 Q. Did you contribute anything for your
23 health benefits at the McGraw-Hill Company?

24 A. Yes, I did.

25 Q. How much?

1 G. Henson

2 vision.

3 O. You've elected not to have it?

4 A. Yes.

5 Oh, and I want to add one more thing,
6 with McGraw-Hill I did contribute to the 401K
7 plan.

8 O. Do you remember how that worked?

9 A. The first year I couldn't contribute
10 to it at that time, but the second year I did
11 contribute to it and I think I put in 3 percent
12 and they matched it.

13 Q. And how does that compare with your
14 401K plan in the New York City Department of
15 Education?

A. It's not a 401K plan. It's a 403B.

Q. How does it compare?

18 A. I don't think that they match it.

19 Q. You said that when you left the
20 McGraw-Hill Company your salary was about or you
21 believe \$45,000 a year.

22 What was your grade level?

23 A. 13.

24 Q. During the time that you worked for
25 the McGraw-Hill Company, did your job change at

1 **G. Henson**

2 any time?

3 A. Yes.

4 Q. Can you walk me through the different
5 positions that you held at the McGraw-Hill
6 Company.

7 A. I started as the junior research
8 assistant, then I went up to an intermediate
9 research assistant.

10 Then a senior research assistant.

11 While I was a senior research
12 assistant I started going back to school for human
13 resources. I interviewed for the HR coordinator
14 position at McGraw-Hill and I received the HR
15 coordinator position at McGraw-Hill.

16 Q. Was the HR coordinator position at
17 McGraw-Hill the last job that you held at
18 McGraw-Hill?

19 A. Yes.

20 Q. How long were you a junior research
21 assistant?

22 A. I would say maybe about a year and a
23 half.

24 Q. And how long were you an intermediate
25 research assistant?

1 **G. Henson**

2 A. I would say about maybe a year. I
3 don't really remember.

4 Q. Did your grade level change at all
5 when you went from junior research assistant to
6 intermediate research assistant?

7 A. I think it did.

8 Q. And how long were you a senior
9 research assistant?

10 A. I would say about a year.

11 Q. And then how long were you a human
12 resource coordinator?

13 A. About four years, four and a half
14 years.

15 Q. As a junior research assistant, who
16 did you report to?

17 A. Well, Holly Gavey.

18 Q. Anybody else?

19 A. I don't remember.

20 Q. How did you get the intermediate
21 research assistant job?

22 A. I think at that time they were -- I
23 don't even think I -- I don't think I interviewed
24 for that position. I think at that time we got
25 raises or something and they just bumped our --

1 **G. Henson**

2 our title.

3 Q. Did your duties and responsibilities
4 change at all?

5 A. Yes, a bit.

6 Q. Increased?

7 A. In -- a little bit, yes, and then we
8 received more monies.

9 Q. When you became an intermediate
10 research assistant did you report to somebody
11 other than Holly Gavey?

12 A. I don't remember.

13 Q. How did you get the senior research
14 assistant job?

15 A. I think I interviewed for that
16 position.

17 Q. Who did you interview with?

18 A. I don't remember.

19 Q. That would have been somewhere in
20 1999?

21 A. Or '98. Like, I don't remember how
22 long I was in these particular positions.

23 Q. In the senior research assistant job
24 who did you report to?

25 A. Elizabeth Rosario.

1 G. Henson

2 Q. Did your job duties increase when you
3 became a senior research assistant?

4 A. A bit.

5 Q. In what way?

6 A. More research. I think I
7 researched -- before I was researching municipal
8 bonds, then when I was a senior research assistant
9 I started researching municipal and corporate
10 bonds. I went to more trainings.

11 Q. When you say more training, what kind
12 of training?

13 A. Training about the field, about
14 certain bonds, about corporate bonds.

15 Q. And then you said that you went back
16 to school?

17 A. Yes.

Q. To get your Master's?

19 A. Yes.

20 Q. And then you did get your Master's in
21 human resources?

22 A. Yes.

23 Q. And after you got your Master's in
24 human resources you applied for the human resource
25 coordinator job?

1 **G. Henson**

2 A. Yes.

3 Q. And who did you interview with to get
4 that job?

5 A. Sheila O'Neil.

6 Q. Did you interview with anybody else
7 for the human resource coordinator job?

8 A. Dina Parello.

9 Q. Anyone else?

10 A. Ivy Latimer.

11 Q. Anyone else?

12 A. Charise Grant; at the time her name
13 was Grant. Her name changed, Charise Little. But
14 at the time it was Grant.

15 Q. Anyone else?

16 A. No.

17 Q. Do you know if there were any other
18 candidates for --

19 A. I'm sorry, Paschal Pummillo.

20 Q. Do you know if there were any other
21 candidates for the human resource coordinator
22 position?

23 A. Yes, there were. How many, I don't
24 know.

25 Q. Do you know who any of them were?

1 G. Henson

2 A. No, I don't.

3 Q. And you received the human resource
4 coordinator job; is that right?

5 A. Yes.

6 Q. When you got the human resource
7 coordinator job, that was the first human resource
8 position that you had held at McGraw-Hill; is that
9 right?

10 A. Yes.

11 Q. And that was the first full time human
12 resource position that you had held in your
13 career, correct?

14 A. Yes.

15 Q. Could you look back at Henson Exhibit
16 No. 2, please, the resume that you submitted to
17 McGraw-Hill.

18 In terms of your experience you list
19 two jobs, one is the summer of 1996 and one from
20 January of '96 to May of '96; is that right?

21 A. Yes.

22 Q. Were those both jobs that you held
23 while in college?

24 A. Well, I held the one from 1/96 to
25 5/96, that was an internship at a radio station.

1 G. Henson

2 wasn't any human resources experience there.

3 Q. When you became a human resource
4 coordinator, who did you report to?

5 A. Sheila O' -- well, at that time it was
6 Dina Parello.

7 Q. How long did you report to
8 Ms. Parella?

9 A. I reported to Ms. Parella for maybe
10 about seven or eight months, but I'm not too sure.

11 Q. Did that change at some point?

12 A. Yes.

13 Q. And then who did you report to?

14 A. Sheila O'Neil.

15 Q. And did you continue to report to
16 Ms. O'Neil until you left the company?

17 A. Yes, I did. It was Sheila O'Neil was
18 my direct supervisor and I also reported to Ivy
19 Latimer on diversity issues.

20 Q. What were your duties and
21 responsibilities when you first became a human
22 resource coordinator?

23 A. Schedule interviews, new hire
24 orientation.

25 Q. When you say new hire orientation?

1 G. Henson

2 A. I conducted new hire orientation with
3 human resources representatives.

4 I processed process letters -- when I
5 say process letters, I mean type letters. I kept
6 Sheila's schedule.

7 I kept Ivy's schedule.

8 I kept Dina Parello's schedule.

I sent out items from Federal Express.

10 I put new hire orientation packets
11 together.

12 I supported them and pulled reports
13 from Data Depot.

14 I was a supervisor for the performance
15 management program.

16 I supported Ivy Latimer and assisted
17 her in presentations

I assisted Sheila O'Neil in
presentations

20 I researched information on the
21 Internet for presentations.

22 I also supported Charise Little, who
23 was a human resources representative, with
24 turnaround documents. If Charise Little needed me
25 to do anything with her, I worked with her on

1 G. Henson

2 trainings.

3 I assisted other human resources
4 representatives in the company with new hire
5 orientation packets. I was a go-to person.

6 I took calls from employees regarding
7 any, anything from questions regarding benefits,
8 who to contact, basic generalist questions that I
9 would answer.

10 I also was the go-to person, the head
11 person who conducted the take our daughters and
12 sons to work day.

13 I worked on any projects that Sheila
14 O'Neil, Ivy Latimer, Charise Grant or Dina Parello
15 needed me to work on.

16 I also worked on affirmative action
17 plans and conducted audits as far as what was
18 missing in affirmative action plans.

I looked over EEO1s.

I pulled Data Depot reports.

21 That's all I can remember for right
22 now.

23 Q. Did you have all of these duties and
24 responsibilities when you first became a human
25 resource coordinator?

1 **G. Henson**

2 A. Not when I first became a resources
3 coordinator, but as my job grew, I was given a lot
4 of responsibilities and those are part of my
5 responsibilities.

6 Q. So would it be fair to say that your
7 responsibilities grew over time in the job?

8 A. That's fair to say.

9 Oh, I have one more thing. I also did
10 the MOR report, which means gathering information
11 from Sheila, Dina and sending it to Heightstown
12 and Ivy Latimer.

13 Q. Did you schedule interviews from the
14 onset of your tenure as a human resource
15 coordinator?

16 A. What do you mean onset, from when I --

17 Q. When you first got the job.

18 A. I did schedule some, yes.

19 Q. Was that one of the responsibilities
20 that increased over time?

21 A. Yes.

22 Q. When did you start putting together
23 new hire orientation packets?

24 A. Towards the middle, because at that
25 time -- I don't think they had -- they were

1 G. Henson

2 working on a new hire orientation program.

3 Q. Was your responsibility just to put
4 the packets together? .

5 A. Put the packets together, meet the
6 human resources representative wherever or whoever
7 was conducting it at that time, meeting them at
8 the place where they were conducting the
9 orientation.

10 Setting up the Power Point
11 presentation and setting up the television with
12 the video.

13 Q. When you say setting up the Power
14 Point presentation --

15 A. Bring in the laptop, using the
16 projector, making sure that it was okay, cutting
17 it on and making sure that it was in working
18 condition.

19 Q. But somebody else actually prepared
20 the substance of the presentation?

21 A. Yes. It was already prepared.

22 Q. When did you start processing letters?

23 A. When I first got there.

24 Q. When did you start keeping Sheila, Ivy
25 and Dina's schedules?

G. Henson

2 A. I always kept Dina's -- I kept Dina's
3 schedule. Sheila and Ivy was over time heavily,
4 but I did insert certain meetings that they
5 probably had or they wanted me to do at that time.

6 Q. What about sending items for Federal
7 Express?

8 A. I was doing that when I first got
9 there.

10 Q. You said that you pulled reports from
11 Data Depot.

12 When did you start doing that?

13 A. That was towards -- that was
14 towards -- I would say maybe the last year and a
15 half that I worked at McGraw-Hill.

16 Q. When did you become a super user --

17 A. That was probably the last year and a
18 half that I worked at McGraw-Hill.

19 Q. So sometime in 2004?

20 A. Yes, I would say that.

21 Q. You said that you would support Ivy
22 Latimer and Sheila O'Neil in presentations

23 When did you start doing that?

24 A. I would do -- I did that when I first
25 started, especially for Ivy, inserting, helping

1

G. Henson

2 her, assisting her, typing, and things like that.

3 Q. Did you actually conduct any of the
4 presentations?

5 A. No, I did not.

6 Q. At any point during your tenure at
7 McGraw-Hill did you conduct any of the
8 presentations?

9 A. I did conduct performance management
10 PMP presentations as a training trainer for
11 managers who were learning the program, yes.

12 Q. When was that?

13 A. That was towards my last year and a
14 half or two years.

15 Q. Did you do that with anybody or alone?

16 A. I did that with Charise, I did that
17 with Sheila. I did that with Maureen Buckley,
18 who is now a director.

19 Q. Anyone else?

20 A. I did new hire orientation also.
21 That's a -- I did presentations for new hire
22 orientation also. Sometimes I did that by myself
23 if nobody was available.

24 Q. You have to answer out loud and not
25 just shake your head so that -- and I'll try to

1 G. Henson

2 watch that if that happens.

In terms of actually conducting substantive presentations, you told me about the PMP train the trainer presentations which you said you did during the last year or year and a half at McGraw-Hill?

8 A. Yes.

9 Q. And you did that with somebody else?

10 A. Yes. I did that with Charisse Little

11 Q. With regard to the new hire

12 orientation, when did you start doing that?

13 A. That was probably the last two years
14 that I was at McGraw-Hill, and sometimes I did
15 that with Charise, sometimes Ivy, sometimes I did
16 it by myself if no one was available at that time.

17 Q. At what point did you research
18 information from the internet?

19 A. I would do that on a -- all the time,
20 when I first started.

21 Q. You said that you supported Charise in
22 turnaround documents?

23 A. Yes. Turnaround documents are
24 documents where it has all of the employees
25 information such as their salary, their date of

1 . . . G. Henson

2 birth, their address, any personal information is
3 pretty much on a turnaround document.

4 Q. What was your role in assisting
5 Charise with turnaround documents?

6 A. If an employee received a title change
7 or received a raise, you would have to mark that
8 on the turnaround document and then send it
9 downtown for it to be processed, and it had to be
10 signed by the manager.

11 Q. So you were gathering information and
12 or inputting informs?

13 A. I was inputting information on the
14 turnaround documents and sometimes I did gather
15 information on turnaround documents.

16 Q. You said that you supported Charise
17 with training.

18 Was that -- did you support Charise
19 with training other than the PMP presentations for
20 train the trainer?

21 A. Not that I remember. I probably did,
22 but what trainings, I can't remember that at this
23 time.

24 Q. You had said that you assisted other
25 human resource people and you were the go-to

1 **G. Henson**

2 And while I interviewed for certain
3 positions at McGraw-Hill, and I didn't receive
4 them, I just knew that there was no -- there was
5 nowhere for me to go.

6 There -- I was told I wasn't a team
7 player, I wasn't customer focused, and interviews
8 that I had with certain individuals I indicated on
9 what I was working on as far as affirmative
10 action, and as far as collecting data and things
11 like that.

12 I also met with Sheila O'Neil and
13 indicated to her the interviews that I had.

14 I also asked her to be my advocate,
15 but I never received any positions.

16 She -- I also asked -- told her you
17 don't know what it's like to be an African
18 American working at McGraw-Hill.

19 Sheila O'Neil has saw me on plenty of
20 occasions crying on my desk. At one point she
21 sent me home because I was unconsolable because I
22 didn't get a particular position at McGraw-Hill.

23 I saw Charise Little being discouraged
24 from applying for a manager position, indicating
25 that she wasn't employee -- she didn't have enough

1 **G. Henson**

2 A. Sheila O'Neil.

3 Q. Do you allege that you complained to
4 anybody other than Ms. O'Neil?

5 A. Well, my mother, I talked to my
6 mother, but it wasn't a formal complaint, but I
7 discussed what was happening to me with my mother
8 and who I was dealing with at the time, but I
9 formally complained to Sheila O'Neil.

10 Q. Did you complain, whether it be
11 formally or informally, to anybody else at
12 McGraw-Hill besides Ms. O'Neil?

13 A. No.

14 Q. When did you complain to Sheila
15 O'Neil?

16 A. After -- I complained -- I used to
17 talk to Sheila O'Neil all the time about things
18 that were going on at McGraw-Hill that I wasn't
19 really happy with, but this particular position
20 was when I didn't get a job and I was just very
21 upset and I had, went in to talk to her.

22 Now, which job that was, I don't
23 remember.

24 Q. When was that?

25 A. That was in 2004 or 5.

1

G. Henson

2 Q. Do you remember who got the job that
3 you were upset about not getting?

4 A. I don't remember.

5 Q. Prior to going in to talk to Sheila
6 O'Neil about the fact that you were upset that you
7 hadn't got this job, had you ever complained to
8 Ms. O'Neil before -- had you ever complained to
9 Ms. O'Neil about the -- strike that.

10 Tell me what you said to Ms. O'Neil
11 when you went to complain to her about not getting
12 this job.

13 A. She asked me why I was crying or why I
14 was upset and I told her that I didn't get a
15 specific position.

16 And I told her that she doesn't know
17 what it's like to be African American working at
18 McGraw-Hill, and she said, you're right, I don't
19 know what it's like to be African American working
20 at McGraw-Hill.

21 Q. What else did you say to Ms. O'Neil or
22 did she say to you during this conversation?

23 A. That was pretty -- we talked about --
24 I talked about how I wanted to -- I needed to get
25 out of this position and how I wanted to progress,

1 **G. Henson**

2 and I wasn't being allowed to, and how I
3 interviewed for these positions.

4 Q. What else did you discuss with
5 Ms. O'Neil during that conversation?

6 A. That was it.

7 Q. Now, you said that you had had
8 conversations with Ms. O'Neil before --

9 A. Oh, I did tell her that I was robbed
10 at gun point, but -- because she asked me about
11 that, and only because she asked.

12 Q. When had you been robbed at gun point?

13 A. I was robbed at gun point the
14 beginning of 2004.

15 Q. Where did that take place?

16 A. In Harlem by Lenox Terrace.

17 Q. What happened?

18 A. I was walking through the -- I was
19 walking through a parking lot, a guy came up
20 behind me with a gun and took my bag, and I was
21 going to see a girlfriend in Lenox Terrace, and
22 she did -- she was aware of that.

23 Q. "She" being Ms. O'Neil?

24 A. Ms. O'Neil. I'm sorry.

25 Q. Did you report that to the police?

1

G. Henson

2 McGraw-Hill, other than for a regularly scheduled
3 vacation, did you ever miss a week of work?

4 A. No.

5 Q. How did this incident about you being
6 robbed at gun point come up during the
7 conversation with Ms. O'Neil?

8 A. I think she was asking me about -- was
9 there anything else that was going on or whatever,
10 and, you know, I told her about the robbery, but
11 that had nothing to do with what I was telling her
12 about being African American working at
13 McGraw-Hill and me applying for a number of
14 positions that I didn't receive that I was upset
15 about, and she did know that.

16 Q. She did know what?

17 A. She did know I wasn't happy with
18 applying for these jobs and not getting them.

19 Q. You said that before -- strike that.

20 Have you now told me everything that
21 you discussed with Ms. O'Neil or that she
22 discussed with you during this conversation?

23 A. As far as I remember, yes, that's what
24 we discussed.

25 Q. You said that prior to that time you

1 **G. Henson**

2 used to talk to Ms. O'Neil all the time.

3 Had you ever complained to her about
4 anything pertaining to yourself before this
5 conversation?

6 A. No, not that I remember.

7 Q. And you said that the conversation
8 with Ms. O'Neil took place either in 2004 or 2005?

9 A. Yes.

10 Q. After the conversation with
11 Ms. O'Neil, the one that took place in 2004, 2005,
12 which included the conversation about you being
13 robbed at gun point, did you ever complain to
14 Ms. O'Neil about your work situation after that?

15 A. Not that --

16 **MR. SOLOTOFF:** Note my objection to
17 the question.

18 You can answer it if you understand
19 the question.

20 A. Not that I remember.

21 Q. When you said to Ms. O'Neil that she
22 didn't know what it was like to be African
23 American at McGraw-Hill, did you expand at all on
24 that?

25 A. Not that I remember. I was -- I

1 **G. Henson**

2 Q. Can you tell me the name of any of
3 them?

4 A. The only one that I can remember at
5 this time is Lauren Laitman.

6 Q. Did you apply for any of the positions
7 that you claim somebody working as a temp got?

8 A. No. Because they weren't posted.

9 Q. Other than what you've told me, you
10 have no other information about who these temps
11 were or what the jobs were?

12 A. No.

13 Q. No, you have no other information?

14 A. No, I have no other information at
15 this time.

16 **MS. BLOOM:** Why don't you change the
17 tape right now.

18 He is going to change the tape.

19 (There was a pause in the proceedings
20 from 11:44 a.m. until 11:45 a.m.)

21 **THE VIDEOGRAPHER:** Returning to the
22 record at 11:45 from 11:44 at the beginning
23 of tape 3.

24 **BY MS. BLOOM:**

25 Q. You said that you yourself interviewed

1 **G. Henson**

2 for certain positions while at McGraw-Hill which
3 you did not receive.

4 Which positions are those?

5 A. Talent acquisition specialist for
6 human resources, corporate.

7 Human resources representative for
8 McGraw-Hill education.

9 Human resources representative for
10 information and media services.

11 Human resources representative for
12 Standard & Poor's.

13 Talent acquisition specialist -- no,
14 recruitment specialist at Standard & Poor's.

15 That was it.

16 Q. We've already talked about the jobs
17 that you did interview which you did receive at
18 McGraw-Hill, correct?

19 A. Yes.

20 Q. Did you or do you recall interviewing
21 for the campus recruiter position in September of
22 '03 that Jannie Pilgrim got?

23 A. Yes.

24 Q. And do you believe that Ms. Pilgrim
25 was better qualified for you for that position?

1

G. Henson

2 A. Well, at that time, yes, because I had
3 just started working in human resources and I only
4 had maybe a year and a half of experience, and I
5 know Jannie had more experience than me in human
6 resources.

7 Q. Is Jannie also African American?

8 A. Yes, she is.

9 Q. When did you interview for the talent
10 acquisition specialist job in human resources
11 corporate?

12 A. 2003.

13 Q. What were the duties and
14 responsibilities of that position?

15 A. I don't remember all of them, but I
16 know it was assisting the Howard Marcus's group
17 and his group is the -- I forget the title of his
18 group but I know -- his department, I'm sorry, but
19 I know that they did a lot of corporate
20 conferences for high level executives at
21 McGraw-Hill, and I know this person would have
22 been working with Karen Solorow with the ADP
23 program.

24 Q. Did you actually interview for this
25 job?

1 **G. Henson**

2 A. Via Internet.

3 Q. So the talent acquisition specialist
4 human resource corporate job was a job that was
5 posted?

6 A. Yes, it was.

7 Q. Now you said that you also applied for
8 a human resource representative position for
9 McGraw-Hill education?

10 A. Yes.

11 Q. When did you apply for that job?

12 A. In 2003.

13 Q. What were the duties and
14 responsibilities of that position?

15 A. It was a generalist position where I
16 would be doing generalist duties as a human
17 resources representative working in the
18 McGraw-Hill education department -- well,
19 McGraw-Hill education human resources. Kind of
20 the duties that I was doing as HR coordinator, but
21 a step up, like sitting with managers, posting
22 jobs, more interaction with the group that I was
23 servicing.

24 Q. Who did that position report to?

25 A. Audra Bacote at that time.

1 *G. Henson*

2 Michael McGlynn who had input as far as who would
3 have gotten the position, but I didn't interview
4 with Michael McGlynn at the time.

5 Q. Did you interview with anybody other
6 than Audra Bacote?

7 A. No.

8 Q. When did you interview for the human
9 resource representative position for information
10 and media services?

11 A. I think that was 2004.

12 Q. What grade level was that job?

13 A. That was about a 15, I believe. I'm
14 not sure, but probably about a 15.

15 Q. Who did you interview with for that
16 position?

17 A. I don't remember.

18 Q. Do you know if that position was ever
19 filled?

20 A. Yes.

21 Q. Who filled the job?

22 A. Bonnie Hagler.

23 Q. Are you claiming that Ms. Hagler --
24 that you were more qualified than Ms. Hagler for
25 that position?

1 **G. Henson**

2 Q. Thank you.

3 Are you claiming that Ms. Kilduff was
4 not qualified for the talent acquisition
5 specialist human resource corporate position?

6 A. I don't know if she was qualified for
7 the job.

8 Q. Now, the human resource representative
9 job at S&P, when did you apply for that position?

10 A. In 2005, June.

11 Q. And what grade level was that job?

12 A. I think that was about a 15 or 16.

13 Q. And did you interview for that job?

14 A. Yes.

15 Q. Who did you interview with?

16 A. Michael Roderick and Alicia Scaturro.

17 Q. What did you understand the duties and
18 responsibilities of that position to be?

19 A. That it was an HR generalist position.
20 I will be working more with managers, affirmative
21 action plans, the basic human resource generalist
22 duties, but at S&P.

23 Q. When you say the resource -- the human
24 resource generalist duties, what do you mean by
25 that?

1 *G. Henson*

2 A. That means compensation, that means
3 employee relations, that means -- compensation,
4 employee relations -- maybe dealing with
5 affirmative action plans, maybe doing some exit
6 interviews, maybe doing some training.

7 It's kind of like a little bit of
8 everything in human resources or whatever, and
9 what they do as managers in human resources.

10 Q. When you talk about employee
11 relations, does that mean actually dealing with
12 employee problem situations that come up and
13 giving substantive human resource advice?

14 A. Yes. Or interviewing and finding out
15 what the issues are regarding an employee.

16 Q. Who got the human resource
17 representative position at Standard & Poor's?

18 A. Jessica Brookings.

19 Q. What can you tell me about her
20 background?

21 A. I know that she worked for Howard
22 Marcus and I think he did training and development
23 for high level employees at McGraw-Hill.

24 She did a lot of conference work or
25 trainings, but in her department they didn't do a

1 *G. Henson*

2 lot of generalist work, where I know I did a lot
3 of generalist work.

4 Q. That's the generalist work that we
5 discussed earlier today?

6 A. Exactly.

7 Q. Who else applied for the human
8 resource representative S&P job?

9 A. I don't know.

10 Q. What is Ms. Brookings's race?

11 A. White.

12 Q. What is Ms. Laitman's race?

13 A. White.

14 Q. And Ms. Hagler's race?

15 A. White.

16 Q. I apologize if I asked you this
17 already, but do you know who else applied for the
18 human resource representative position that
19 Ms. Hagler got?

20 A. No.

21 Q. And you don't know who else applied
22 for the job that Ms. Laitman got?

23 A. No.

24 Q. Who did you -- you said you
25 interviewed with Mr. Roderick and Alicia --

1 **G. Henson**

2 A. Scaturro.

3 Q. Who did the HR representative and
4 Standard & Poor's position report to?

5 A. Michael Roderick and I think Dawanna
6 Veneable.

7 Q. What if anything can you tell me about
8 Ms. Brookings's qualifications?

9 A. I know I did a lot of generalist work
10 working with Ivy Latimer, Sheila O'Neil, Dina
11 Parello, Charise Grant, and what she did, she did
12 a lot of research, and I know this because Ivy
13 Latimer moved to -- Howard Marcus's group after,
14 towards the end of my -- towards maybe the last
15 year that I was at McGraw-Hill and I saw the kind
16 of work that they did, and it was a lot of
17 conference in setting up meetings and things like
18 that for high level officials, higher levels in
19 the organization.

20 And she didn't do HR generalist work.

21 Q. Did you ever supervise Ms. Brookings?

22 A. No, I did not.

23 Q. Do you know anything about her work
24 experience outside of McGraw-Hill?

25 A. No, I do not.

1 **G. Henson**

2 Q. When you talk about the generalist
3 work that you had done, that's the generalist work
4 that we've already discussed, correct?

5 A. Yes.

6 Q. Are you claiming that Ms. Brookings
7 was not qualified for the human resource
8 representative position in Standard & Poor's?

9 A. Yes.

10 Q. You're claiming that she was not
11 qualified?

12 A. Yes.

13 Q. And what do you base that on?

14 A. From the work that she did with Howard
15 Marcus's group and the work that I did with Sheila
16 O'Neil.

17 Q. So you're saying that she wasn't
18 qualified at all for the position?

19 A. As far as I know in which the work
20 that she did with Howard Marcus, which she did
21 before that, I don't know, but what she did with
22 Howard Marcus, I was -- I feel like I was more
23 qualified for that position.

24 Q. But you didn't supervise her in
25 relationship to the work that she did for Howard

1 **G. Henson**

2 Marcus?

3 A. No, I did not.

4 Q. Do you know what her grade level was
5 when she applied for the human resource
6 representative and Standard & Poor's job?

7 A. No, I do not.

8 Q. And what was your grade level in June
9 of 2005?

10 A. From what I can remember it was level
11 13.

12 Q. Now you said that you also applied for
13 a recruitment specialist position in Standard &
14 Poor's?

15 A. Yes.

16 Q. When did you apply for that job?

17 A. In 2004, the end of 2004, November, I
18 believe.

19 Q. And do you know who got that job?

20 A. BT Blessings.

21 Q. And what is BT Blessings's race?

22 A. Asian.

23 Q. What are the duties and
24 responsibilities of that position?

25 A. That was more campus recruitment,

1 G. Henson

2 helping assisting with campus recruitment duties,
3 offer letters, decline letters, but dealing mostly
4 with recruitment.

5 Q. Had you ever applied for that position
6 before?

7 A. I did.

Q. And did you withdraw your application?

9 A. Yes, I did.

10 Q. Why?

11 A. I think it was a lot going on at the
12 time, and I just withdrew my application.

13 Q. What was going on at the time?

14 A. Personal.

15 O. What personal things?

16 A. Just personal issues.

17 Q. Which per-

18 A. Do I have to disclose

19 0 You do.

20 A I was h

21 0 What kind of problems?

22 A Ma and my mother were

22 2 About what?

94 We've won it!

²⁵ See also the issues above.

1 G. Henson

2 and your mother were not getting along? You have
3 to disclose that.

4 A. We just weren't getting along. We
5 were arguing. We were not getting along.

6 Q. What was the source of your not
7 getting along?

8 A. We were just not getting along. It
9 wasn't a source. Anything would have triggered
10 both of us. We were just not getting along.

11 Q. And it was because you were having
12 trouble getting along with your mother that caused
13 you to withdraw your application for the
14 recruitment specialist position?

15 A. Yes.

16 Q. And when you said that there was a lot
17 going on, are you referring to anything other than
18 these -- this issue with your mother where you
19 weren't getting along?

20 A. Not that I can remember.

21 Q What's your mother's name?

32 A Altonette

33 0 Altomette?

24 A. L. TONETTE

25 Q Where does she leave?

1 **G. Henson**

2 recruitment specialist position at S&P that you
3 applied for in November of '04?

4 A. I think it was a 15 or 16.

5 Q. What about the recruitment specialist
6 position that you submitted your application for
7 but withdrew your application?

8 A. I think probably the same.

9 Q. When was it that you withdrew the
10 application?

11 A. I think if I recall it was in 2003.

12 Q. Who else applied for the job?

13 A. I know that Jannie Pilgrim applied for
14 that job -- well, when, in 2003 or 2000 --

15 Q. Well, in 2003 Jannie Pilgrim applied
16 for the job; is that right?

17 A. Yes.

18 Q. And she got the job?

19 A. Yes.

20 Q. And in 2000 -- do you know if there
21 was anybody that applied for that job, anybody
22 else?

23 A. I don't know.

24 Q. How about in November of 2004, was
25 there anybody else that applied for the job?

1 G. Henson

2 A. I'm not aware. I don't know.

3 Q. Are you claiming that Ms. Blessing was
4 not qualified for the job?

5 A. I was told that the reason that I
6 didn't get the position was because she had more
7 financi -- finance recruiting experience; however,
8 I worked in finance for three years and I had
9 recruiting experience, assisted with National
10 Black MBA, National Council of Laraza, L A R A Z A
11 Recruiting.

12 I assisted Ivy Latimer on a number of
13 recruiting events. I traveled to Miami, Florida
14 for a recruiting event.

15 I traveled to Milwaukee, Wisconsin for
16 a recruiting event.

17 So I was told the reason I didn't get
18 it was because I didn't have finance recruiting
19 experience and Ms. Blessings did.

20 Q. What if anything do you know about
21 Ms. Blessings' background?

22 A. I know she worked at I think Morgan
23 Stanley before, but that's it.

24 Q. Do you know what she did at Morgan
25 Stanley?

1 **G. Henson**

2 A. No.

3 Q. Are you claiming that she was not
4 qualified for the position?

5 A. I'm claiming that the reason that they
6 gave me as to why I didn't receive the position
7 made no sense to me.

8 Q. But you're not saying that

9 Ms. Blessing was not qualified for the job?

10 A. I'm saying that the reason that they
11 gave me as to why I didn't receive the job made no
12 sense to me, that's what I'm saying.

13 Q. But you're not saying Ms. Blessing
14 wasn't qualified?

15 A. I don't know if Ms. Blessing was
16 qualified for the job.

17 Q. You told me earlier that your mother's
18 last name was Henson.

19 Has she ever been known by any last
20 names other than Henson?

21 A. Shelton, S H E L T O N .

22 Q. And when was she known by Shelton?

23 A. My mother and father got married I
24 think in '74 or '75, so it was probably before --
25 it was before then.

1 G. Henson

2 you worked in the human resource corporate
3 department; is that right?

4 A. Yes.

5 Q. And you said you reported to Dina
6 Parello for about seven months?

7 A. Yes.

8 Q. And then Sheila O'Neil through the
9 remainder of your employment, correct?

10 A. Yes.

11 Q. Did you receive performance reviews as
12 a human resource coordinator?

13 A. Yes.

14 Q. And in terms of the overall rating
15 that you got on your performance reviews, was it
16 ever anything other than meets expectation?

17 A. I don't remember because there are
18 different categories on a performance review, so
19 as an overall?

20 Q. Yes.

21 A. That -- I'm sorry, can you repeat the
22 question?

23 Q. Sure.

As an overall rating as a human
resource coordinator, were you always rated as

1 G. Henson

2 meets expectations or whatever the equivalent
3 designation was?

4 A. As far as I know, yes.

5 Q. Who do you claim told you that you
6 were not a team player?

7 A. I think I saw that in one of my
8 reviews.

9. One of your performance reviews?

10 A. Performance reviews, that I had to
11 learn to be a team player and customer focus.

12 Q. And to whom do you attribute that
13 statement?

14 A. Well, Sheila was the one who did my
15 performance reviews, so...

16 Q. Do you recall Ms. O'Neil telling you
17 that you were not a team player?

18 A. In person, no, but on my -- on my
19 previous she -- it was commented there, on learning

20 how to be a team player.

21 Q. What about not being customer focused?
22 did anyone ever tell you that?

23 A. Oh, I was told that by an onza
24 Postell.

25 Q. In what context?

1

G. Henson

2 A. She worked at another division of
3 human resources and this was told by her, I think
4 I was interested in a position there, and she was
5 told that I wasn't customer focused.

6 Q. Did she tell you who told her that?

7 A. No. She never did. I asked her. She
8 never did.

9 Q. Do you have a claim in this case that
10 you've -- that you were retaliated against?

11 A. Yes.

12 Q. Who do you claim retaliated against
13 you?

14 A. The decision makers regarding me
15 applying -- that's why -- I feel like that's why I
16 didn't receive the positions.

17 Q. And when you say that you were
18 retaliated against, what was it that you had done
19 that caused each of these decision makers, in your
20 view, to retaliate against you?

21 A. I feel like I applied for these
22 positions. I was told I wasn't a team player. I
23 wasn't customer focused. And that's why I didn't
24 get these positions.

25 I was -- I wasn't going to get the

1 **G. Henson**

2 positions. I've asked Sheila on a number of
3 occasions. Sheila knew that I was applying for
4 these particular positions and I asked her to be
5 my advocate.

6 Q. And what did she say?

7 A. And she said yes, but I never received
8 any of these positions that I applied for.

9 Q. Do you know whether, in fact,
10 Ms. O'Neil spoke on your behalf for any of these
11 positions?

12 A. I have no idea.

13 Q. When you say that you were told that
14 you were not a team player and you were told that
15 you were not customer focused, that's -- that's
16 based on what you've already described today,
17 correct?

18 A. Yes.

19 Q. And are you claiming that each of the
20 decision makers for the jobs you applied for
21 retaliated against you?

22 A. I don't know -- I know that I applied
23 for these jobs and I didn't receive them, and I
24 feel like it had to do with maybe me complaining
25 to Sheila about what I complained to her about as

1 **G. Henson**

2 **A F T E R N O O N S E S S I O N**

3 (1:41 p.m.)

4 **G I O V A N N A H E N S O N ,**

5 having been previously sworn, resumed the
6 stand and testified further as follows:

7 **THE VIDEOGRAPHER:** Returning to the
8 record at 1:41 from 12:29 at the beginning
9 of 4.

10 **EXAMINATION (Cont'd)**

11 **BY MS. BLOOM:**

12 Q. Ms. Henson, this morning -- or we were
13 talking about jobs that you had applied for that
14 you hadn't gotten.

15 Is the last job that you applied for
16 when you were at McGraw-Hill that you didn't get
17 the job you applied for in March of 2005?

18 A. No. It was June 2005.

19 Q. And which position was that?

20 A. That was the human resources
21 representative position at Standard & Poor's.

22 Q. When did you get the job offer from
23 the Department of Education?

24 A. In July.

25 Q. July of 2005?

1 **G. Henson**

2 A. Yes.

3 Q. And that was prior to you resigning
4 from your employment at McGraw-Hill; is that
5 right?

6 A. Yes.

7 Q. Did you have any other job offers at
8 that time?

9 A. No. That was the only one.

10 Q. How did you find out about the job at
11 the Department of Education?

12 A. I saw the job online, on the
13 website -- actually it was a different job and --
14 I applied for a different position. Someone saw
15 my resume and wanted to speak with me regarding my
16 resume, and she funneled it, and I forget her
17 name, but she is no longer at the Department of
18 Education, and she funneled it to the director of
19 human resources at the time and she gave it to the
20 medical leaves and benefits deputy director
21 regarding the specialist -- special assistant
22 position.

23 Q. What was the job that you originally
24 applied for?

25 A. I think it was in HR partner, the job

1 G. Henson

2 that I have now, but I think they had selected
3 someone already for that job, but she thought that
4 I would be good in probably -- in the medical
5 leaves and benefits department, so she funneled my
6 resume and then I interviewed for that job.

7 Q. The job that you originally got was at
8 a lower salary than the job that you currently
9 hold, correct?

10 A. Yes.

11 Q. Do they have grade levels at the
12 Department of Education or the equivalent?

13 A. No. They have manager, manager 1,
14 manager 2 -- the city is a little different than
15 corporate, but they don't -- it's not grade
16 levels.

17 Q. The job that you have now was a
18 promotion from the first job that you got at the
19 Department of Education; is that right?

20 A. Yes.

21 Q. So that the job that you originally
22 applied for was at a higher level than the job
23 that you actually got; is that accurate?

24 A. The job that --

Q. You said that you had applied for

1 **G. Henson**

2 the -- an HR partner position?

3 A. Yes.

4 Q. How did that compare with the position
5 that you eventually got in terms of level?

6 A. That was a higher level.

7 Q. What was it about the medical leave
8 position that attracted you?

9 A. That I would be working on special
10 projects with the deputy director of medical
11 leaves and benefits. I would learn more about the
12 benefits side, which I wasn't -- which I didn't do
13 too much of at McGraw-Hill.

14 I would also be working on different
15 fairs that I've already did, the event planning
16 part that I did enjoy at McGraw-Hill.

17 I would be working on stuff like that
18 for the medical leaves and benefits department and
19 also special projects because they were going
20 through a transformation with their human
21 resources department at the Department of
22 Education also.

23 Q. It seemed like a good opportunity?

24 A. Yes.

25 Q. And when in July of 2005 did you get

1 G. Henson

2 that offer?

3 A. On or about around July 17th.

4 Q. And when did you give notice to
5 McGraw-Hill?

6 A. August -- in August, probably
7 August 1st and I told them my last day was August
8 12, 2005.

9 Q. So you selected your last day?

10 A. Yes.

11 Q. Did you accept the offer at the
12 Department of Education at or around July 1?

13 A. I remember distinctly because I went
14 away on vacation. I accepted it when I got back.

15 Q When were you on vacation?

16 A. July -- I think I left on the 18th and
17 I didn't come back maybe about July 20th or 21st
18 and when I got back I accepted the offer.

19 Q. So you accepted the offer around
20 July 22nd?

21 A On or around, yeah, July 22nd.

22 Q. You talked about a Ms. Gillard this
23 morning?

24 A Yes.

35 Q How do you know her?

1 G. Henson

2 Q. The conversation that we talked about
3 earlier today that you said you had with
4 Ms. O'Neil during which you told her that she
5 didn't know what it was like to be African
6 American at McGraw-Hill, do you know what
7 conversation I'm talking about?

8 A. Yes.

9 Q. At any point during that conversation
10 did you tell Ms. O'Neil that you believed you
11 hadn't been selected for any job or jobs because
12 you were black?

13 A. I didn't tell her at that meeting, no,
14 I did not.

15 Q. Did you ever tell her that?

16 A. No.

17 Q. Did you ever tell anyone at
18 McGraw-Hill that, other than people that are your
19 friends?

20 A. No.

21 Q. During the time that you worked at
22 McGraw-Hill, were you familiar, were you aware
23 that there was a procedure by which you could
24 voice a complaint if you believed you had been
25 discriminated against?

1 G. Henson

2 for her to tell them my job experience and what
3 I've done in their department. I realize being at
4 McGraw-Hill you had to have an advocate, and I
5 asked her to be that for me, and she told me she
6 would.

7 Q. And did you ever hear -- are you ever
8 aware of her getting a phone call about you and in
9 response she either wouldn't discuss your job
10 experience or was inaccurate in her description?

11 A. I never knew of her getting any phone
12 call regarding any positions.

13 Q. Did she ever indicate to you that she
14 had been asked for, in substance, a reference?

15 A. NO.

16 Q. During the time that you worked at
17 McGraw-Hill and specifically when Ms. O'Neil was
18 your direct supervisor, did she ever talk to you
19 about your communication skills?

20 A Yes, we have talked about that.

21 Q. What kind of feedback did she give you
22 on your communication skills?

23 A. That, if I can remember, how I
24 responded to the director of, I think at the time
25 director of information, information management,

1 G. Henson

2 Maureen Buckley, that I didn't turn around when
3 she came to my cubicle, or -- or that I didn't
4 even -- what was it, I didn't acknowledge her.

5 Q. Do you know who Maureen Buckley is?

6 A. Yes.

7 Q. And did you think that the criticism
8 was accurate?

9 A. No.

10 Q. Why not?

11 A. Because when Maureen came and talked
12 to me I did talk to her, and when she came to my
13 cubicle I did turn around. If I didn't turn
14 around it means I was on the telephone or doing
15 something else and didn't know she was behind me
16 the way that my cubicle was set up.

17 Q. During the time that you were at
18 McGraw-Hill, did you ever get any kind of a
19 communications coach or teacher?

20 A. I remember going to a training that
21 Sheila knew about and after she had pointed out to
22 me I said sure, I would go. Any trainings that
23 was given at McGraw-Hill or outside of McGraw-Hill
24 I was -- I was more than willing to go to
25 training, so, yes, she did.